



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

MAR 10 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Jack Knudson  
309 West 20<sup>th</sup> Street  
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water  
Act Enforcement Action against  
Mountain View Estates  
PWS #5601270

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.


An Administrative Order is being issued under Section 1414 of the SDWA to Mountain View Estates, Cheyenne, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of 40 C.F.R. §§ 141.21(b)(5), 141.86, 141.201, 141.21(g)(2) and 141.31(b) for: failure to collect additional routine total coliform samples the month following a positive result; failure to perform routine monitoring for lead and copper; failure to provide public notice of the violations; failure to report violations of the total coliform rule to EPA; and failure to report SDWA violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Gina Andrews at (303) 312-6688.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8ENF-W

MAR 10 2005

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David R. Buchanan, Owner  
Mountain View Estates  
8402 Cowboy Road  
Cheyenne, Wyoming 82009

Re: Administrative Order  
Docket No. **SDWA-08-2005-0012**  
Mountain View Estates  
PWS ID #5601270

Dear Mr. Buchanan:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Mountain View Estates is a public water supplier as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(b)(5), 141.86, 141.201, 141.21(g)(2) and 141.31(b) for: failure to collect additional routine total coliform samples the month following a positive result; failure to perform routine monitoring for lead and copper; failure to provide public notice of the violations; failure to report violations of the total coliform rule to EPA; and failure to report SDWA violations to EPA. EPA recognizes that Mountain View Estates has been in compliance with all total coliform monitoring requirements since September 2001.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA



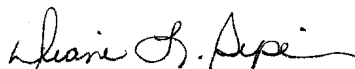
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sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Gina Andrews at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Andrews at (800) 227-8917, extension 6688, or (303) 312-6688. If you wish to have an informal conference with EPA, you may also call or write Ms. Andrews. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: Larry Robinson, WY DEQ (via email)  
Dr. David Barber, WDH (via email)  
Dr. Tracy Murphy, WDH (via email)  
Dr. Brent Sherard, WDH (via email)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 MAR 10 AM 10:53

IN THE MATTER OF )

David R. Buchanan, Owner )  
Mountain View Estates MHP )  
Cheyenne, Wyoming )

Respondent )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2005-0012**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. David R. Buchanan ("Respondent") is an individual and therefore a person, within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and operates the Mountain View Estates Water System (the "System"), located in Laramie County, Wyoming for the provision to the public of piped water for human consumption.



3. Mountain View Estates Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and operates a public water system and is therefore "a supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 2000 sanitary survey by EPA, the System is supplied solely by a ground water source consisting of one well operating since November 1977, and serves approximately 75 persons through 34 service connection.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to



collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondent failed to collect at least 5 routine samples in September 2001 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5). Respondent collected 4 additional routine samples instead of the required 5 samples.

## II.

1. 40 C.F.R. § 141.86 requires community and non-transient, non-community water systems to monitor tap water annually for lead and copper after the initial two six-month compliance periods. Systems serving less than 100 people are required to collect one sample from five different sites during each compliance period, according to 40 C.F.R. § 141.86(c).
2. Respondent collected five (5) tap samples in 2000, 2001 and 2002, but samples were composited in error and analyzed as a single sample rather than five individual samples, and Respondent failed to collect 5 tap samples in 2003, all in violation of 40 C.F.R. § 141.86. Respondent correctly collected 5 lead and copper tap samples in 2004.



III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulations ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Section II for the violations occurring 1999 - 2002, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary





Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondent failed to report to EPA instances of noncompliance detailed in Sections II and III, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Within 30 days of the effective date of this Order, and per the regulations thereafter, Respondent shall monitor the water for lead and copper as required by 40 C.F.R. Subpart I (Control of Lead and Copper).  
Respondent shall:

- (a) Collect samples that are first-draw, one-liter in volume, and have stood motionless in



the plumbing system for at least 6 hours in accordance with § 141.86(b);

(b) Collect 5 individual samples, in accordance with § 141.86(c);

(c) Have individual samples analyzed by an EPA- or State-certified laboratory, in accordance with § 141.90;

(d) Report the results of the tap water monitoring for lead and copper in accordance with § 141.90(a), including:

i. the location of each site and criteria under which the site was selected for the system's sampling pool;

ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;

iii. where residents collected the samples, a certification that each tap sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in § 141.86(b)(2); and,



- iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with § 141.80(c)(3).

Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).

- 3. If the monitoring results collected as required in paragraph 2 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall comply with all requirements to install corrosion control treatment as outlined in 40 C.F.R. 141 Subpart I (Control of Lead and Copper).
- 4. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation in this Order to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach



other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation.

Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the System discovers the violation.



6. Except where a different reporting period is specified in paragraph 5 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
7. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466


GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

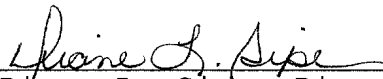


3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 10 day of march, 2005.



Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



## Instructions for Monitoring Violations Annual Notice--Template 3-1

### Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

### Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

### After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**  
**Monitoring Requirements Not Met for MOUNTAIN VIEW ESTATES**

Our water system violated some drinking water standards over the past years. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 1999 - 2003 we did not complete all monitoring or testing for lead and copper and therefore cannot be sure of the quality of our drinking water during that time.

**What should I do?**

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last year, how often we are supposed to sample for [this contaminant/these contaminants] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	When the violation(s) occurred	When samples were or will be taken
Lead & Copper	5 tap samples every three years	1999 through 2002 and 2003	Samples were collected each year but composited into one sample for analysis, which was incorrect. No samples were collected in 2003. Samples were collected and analyzed correctly in 2004.

**What happened? What is being done?**

Samples were collected and analyzed in 2004 as required by the regulations.

For more information, please contact David Buchanan at 307-637-8419 or 8402 Cowboy Rd Cheyenne, WY 82009.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by MOUNTAIN VIEW ESTATES, State Water System ID# 5601270.

Date distributed: \_\_\_\_\_